

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RANDELL HAMPTON, # 226420,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:06cv400-MHT
) (WO)
HENRY PERKINS,)
)
Defendant.)

ORDER

On March 19, 2008, the court set this matter for jury selection and trial on June 23, 2008. Accordingly, it is ORDERED as follows:

1. All requested voir dire questions shall be filed with the court on or before June 13, 2008. All requested jury charges shall be filed with the court on or before June 13, 2008.

3. Witnesses.

(a) **All** parties shall file a witness list at least twenty (20) days before trial.

Witnesses not on the list will not be heard.

(b) **Cases Proceeding In Forma Pauperis.** If the plaintiff desires to procure the attendance of witnesses by writ or subpoena, he shall file and serve -- not later than twenty (20) days before trial -- a witness list containing the names and addresses of **all** witnesses -- whether a subpoena is sought or not -- (inmate or civilian status) and a brief statement of the expected testimony of each witness, whether his subpoena is sought or not.

The plaintiff should be specific in stating their expected testimony, because if their testimony

is not material or is simply repetitive the court may in its discretion decline to order the subpoena of the witness. *See Cook v. Bounds*, 518 F.2d 779, 780 (4th Cir. 1975).

You should be aware that whether the witness is subpoenaed by a pauper or not, Rule 45(c) requires that your subpoena must be accompanied by a witness fee (\$40 per day), a subsistence fee (\$109 per day) if overnight stay is required, and mileage (at 50.5 cents per mile each way), or it need not be obeyed. The witness will be so informed by the subpoena. It is the responsibility of the subpoenaing party to provide that money to the clerk's office for tender with the subpoena.

(c) Subpoena by Non-Paupers. The marshal's office requests that you request issuance of witness subpoenas as early as possible, but in no event less than ten (10) days before trial.

5. The persons having custody of the plaintiff shall produce the plaintiff for the jury selection and trial of this case as described above.

Done this 20th day of March, 2008.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE